

# HOUSE COMMITTEE ON JUDICIARY

## A g e n d a

Meeting No. 19

<b>DATE:</b>	<b>Wednesday, March 15, 2006</b>
<b>TIME:</b>	<b>12:00 PM</b>
<b>PLACE:</b>	<b>Room 129 Annex</b>

1. Call to order and roll call.

2. **HB 292, AN ACT relating to civil actions. G. Lindsay**

*Amend KRS 413.140 and KRS 454.050 to delete obsolete references to the abolished tort of breach of promise to marry.*

3. **HB 351, AN ACT relating to criminal justice. J. Hoover, R. Wilkey**

*Create new section of KRS 15.380 to 15.404 to establish when the certification of a peace officer may be revoked by the Kentucky Law Enforcement Council; amend KRS 15.315 to add a county judge/executive to the council; amend KRS 15.330 to allow the council to approve those who have met the requirements under KRS 15.310 to 15.404 and to promulgate regulations to accomplish the purposes of KRS 15.310 to 15.404; amend KRS 15.382 to require a person at the time of certification to have not received a bad conduct discharge; amend 15.386 to require additional training and qualifications before certification can be restored; add dishonorable discharge to "revoked status" definition; amend KRS 15.392 to require the council to place a person separated from service who has completed basic training on inactive status, which does prevent revocation; amend KRS 15.404 to allow for an extension of time for basic training and certification; prescribe penalties for failure to meet requirements; amend KRS 15.420 to change the definition of "police officer"; amend KRS 15.430 to allow the Kentucky Law Enforcement Foundation Program (KLEFP) to consist of appropriations only from insurance premium surcharge proceeds; provide that account will not lapse; amend KRS 15.440 to set further requirements for units of government who can receive funds from KLEFP; amend KRS 15.450 to give the secretary of the Justice Cabinet power to determine state government agencies eligibility to receive funds from KLEFP; declare that employees of Kentucky State Police in disability will not receive KLEFP salary supplement; amend KRS 15.460 to increase a unit of government's supplement to \$3,100 for each police officer that meets KRS 15.440; amend KRS 15.510 to allow an officer to appeal the Justice Cabinet's decision to withhold or terminate KLEFP funds; amend KRS 17.151 to allow the Kentucky State Police*

*to perform a criminal history check of each adult when a child must be placed in home care due to absence of parents or custodians; require removal of child if adult refuses to provide fingerprints and permission to perform criminal history check; require person who contests denial of child placement to submit to fingerprinting and sign permission to forward fingerprints; allow Kentucky State Police to charge a fee for criminal checks; define "emergency placement"; amend KRS 17.160 to allow persons to request release of records of conviction concerning them; set fees for individuals requesting their records; amend KRS 17.167 to delete the definition of "felony offender"; allow fire department to request records of convictions; create a new section KRS Chapter 17 to allow Governor to require criminal record check for a person considered for cabinet secretary or department head; require applicant to pay for record check; give Justice Cabinet regulatory power to meet Public Law 92-544; amend KRS 18A.202 to allow secretary of the Personnel Cabinet to install incentive programs for employees covered by KRS Chapter 16; amend KRS 197.020 to allow the corrections commissioner to make regulations for any division or institution of the department; amend KRS 197.025 to state that, KRS 61.870 to 61.884 notwithstanding, policies and procedures about security and control of inmates will be held confidential; create a new section of KRS Chapter 197 to require requesting party to pay for the transportation of a prisoner when he or she is needed in a civil action; require payment to be received 24 hours before transporting; state that telecommunications are preferred; require Justice Cabinet to promulgate regulations concerning transportation; amend KRS 213.011 to change the definition of "sudden infant death syndrome" to an infant under one year; require complete investigation of death; amend KRS 431.007 to add Kentucky State Police to agencies that may request local police officer assistance; amend KRS 545.415 to prohibit an action being brought on behalf of an inmate or in regard to prison conditions until administrative remedies exhausted; create a new section of KRS Chapter 31 to prohibit person having access to records if determined to be a threat to juvenile; state that the Department of Juvenile Justice is not required to comply with record request from a juvenile within the facility unless specific reference is made to that individual; allow persons to challenge denial pursuant to KRS 61.880 (2); require the Department of Juvenile Justice to refuse hand delivery of record request from confined juvenile; declare that expunged records are not open to the public and that regulations about juvenile facilities are confidential; amend KRS 610.265 to delete oral report requirement within 72 hours of the initial detention; amend various other sections to conform and make technical corrections.*

**4. HB 376, AN ACT relating to the Kentucky Law Enforcement Foundation Program fund. R. Webb, T. Turner, R. Adams, T. Edmonds, C. Embry Jr, B. Montell, S. Riggs, J. Vincent**

*Amend KRS 15.420 to expand the definitions of "local unit of government" and "police officer" to include the Department of Fish and Wildlife and law enforcement officers of the Department, respectively; Amend the requirements of KRS 15.440 to include certain law enforcement officers of the Department for eligibility to share in the Law Enforcement Foundation Program fund; Amend KRS 15.460 to define the police officer's pension plan to include contributions to the Kentucky Employees Retirement System; Amend KRS 15.470*

and 15.480 to conform.

5. **HB 492, AN ACT relating to Christmas. J. Vincent, T. Burch, J. Gray, M. Harmon, J. Reinhardt, A. Wuchner**

*Create a new section of KRS Chapter 411 to make businesses immune from civil liability for exhibiting Christmas displays except for malfunctions of the display causing injury; amend KRS 344.040 to make it unlawful for an employer to discharge an employee for saying "Merry Christmas"; amend KRS 341.370 to specify that "discharge for misconduct" does not include saying "Merry Christmas."*

6. **HB 543, AN ACT relating to consumer protection. R. Adkins**

*Create a new section of KRS Chapter 367 to prohibit procuring, attempting to procure, soliciting, conspiring, or receiving a telephone record without authorization or by fraudulent, deceptive, or false means; prohibit the selling or attempting to sell a telephone record without authorization; set criminal penalties; exempt law enforcement agencies; exempt telecommunications carriers under certain circumstances; establish that a violation constitutes an unfair or deceptive trade practice; create a civil cause of action with a civil remedy and a statute of limitations; require telecommunications carriers that maintain telephone records to establish procedures to protect such records from unauthorized use.*

7. **HB 723, AN ACT relating to the sale of jointly owned land. B. DeWeese, J. Draud**

*Amend KRS 389A.030, relating to jointly owned land and partition, to require an appraisal of the property if a sale is ordered; prohibit sale if purchase price does equal or exceed two-thirds of the land's appraised value.*

8. **SB 245/GA, AN ACT relating to crimes and punishments. D. Kelly, E. Worley, W. Blevins Jr, C. Borders, D. Boswell, P. Clark, J. Denton, D. Harper Angel, G. Neal, J. Pendleton, J. Rhoads, R. Roeding, J. Turner**

*Create a new section of KRS Chapter 196 to require the Department of Corrections to operate an intensive secured substance abuse recovery program for substance abusers seeking or utilizing pretrial diversion in certain circumstances; amend KRS 210.365 to allow the jail health triage system to screen for substance abuse risk factors for certain felony offenders; create a new section of KRS Chapter 431 to require pretrial screening of felony substance abuse offenders and to allow testing and treatment as a condition of pretrial release; create a new section of KRS Chapter 533 to require felony substance abuse offenders to demonstrate suitable participation in and compliance with substance abuse treatment or recovery before being eligible for pretrial diversion; amend KRS 533.250 to allow referral of certain persons on pretrial diversion to the secure recovery program created in Section 1; amend KRS 431.515 to conform.*

**Adjournment**

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